

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION A**

IN THE MATTER OF

DONNA POLK,

DEBTOR

IN PROCEEDINGS
UNDER CHAPTER 13

CASE NO. 22-14004

JUDGE: Jacqueline P. Cox

NOTICE OF FILING

Notified via Electronic Filing

Patrick S Layng, Office of the U.S. Trustee, Region 11, 219 S Dearborn St, Room 873, Chicago, IL 60604

Thomas H. Hooper, 55 E. Monroe Street, Suite 3850, Chicago, IL 60603

David Freydin, Law Offices of David Freydin Ltd, 8707 Skokie Blvd., Suite 305, Skokie, IL 60077

Notified via US Postal Service

Donna Polk, 1849 N. Newland Ave, Elmwood Park, IL 60707

Samara M Plummer, 1849 N. Newland Ave, Elmwood Park, IL 60707

Please take notice that on the 17th day of January 2023 I did file with the Clerk of the United States Bankruptcy Court, 219 S Dearborn, Chicago, IL 60604 the Objection to Confirmation of Plan.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that he/she caused a true and correct copy of the above and foregoing document to be served upon the following on 1/18/23:

Respectfully Submitted,

/s/ Michael N. Burke

Richard B. Aronow 3123969

Michael N. Burke 6291435

Michael Kalkowski 6185654

Amy A. Aronson 6206512

LOGS Legal Group LLP

2121 Waukegan Road, Suite 301

Bannockburn, IL 60015

(847) 291-1717

Attorneys for Movant

22-097866

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OBJECTION TO CONFIRMATION OF THE PLAN

NOW COMES the Movant, MidFirst Bank, by and through its attorneys, LOGS Legal Group LLP, and states as follows:

1. This case was filed on December 4, 2022. On December 5, 2022, Debtor filed a plan.
2. Movant, a secured party in interest, holds a note (or services a loan) secured by a mortgage on the real property located at 1849 N. Newland Ave, Elmwood Park, IL 60707 dated August 2, 2019.
3. The pre-petition arrearages due the Movant total \$2,066.57.
4. The Debtor's plan provides that the Trustee is to pay the Movant \$0.00 as and for its arrearage claim.
5. The proposed plan impermissibly modifies the rights of Movant to receive all funds due it, thereby violating 11 U.S.C. §1322(b)(2) and 11 U.S.C. §1322 (b)(5).
6. Furthermore, the proposed plan provides for total funding over its term in the amount of \$9,000.00 with estimated payments to the Trustee in the amount of \$8,479.00. As the arrears owed to Movant are understated by \$2,066.57, the proposed plan is unfeasible and underfunded on its face.
7. Such violations render the plan unconfirmable as a matter of law.

WHEREFORE, MidFirst Bank prays that confirmation of the plan be denied and for such other relief as the Court deems just.

Respectfully submitted,

/s/ Michael N. Burke
Attorney for MidFirst Bank

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ORDER DENYING CONFIRMATION OF THE PLAN

THIS CAUSE, coming on to be heard on the Objection to Confirmation of the Debtor's Plan filed by MidFirst Bank, the Court having jurisdiction and being advised in the premises, and due notice having been given;

IT IS HEREBY ORDERED that confirmation of the plan is denied.

Dated: _____

Entered: _____
Bankruptcy Judge

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